
AGENDA ITEM:	Pages –
Meeting	Cabinet
Date	4 April 2012
Subject	Housing Allocations Review
Report of	Cabinet Member for Housing
Summary	This report seeks approval for changes to the Housing Allocations Scheme following a 6 month review since its implementation and as a result of changes permissible since the Localism Act 2011 was enacted.

Officer Contributors	Pam Wharfe, Interim Director of Environment, Planning and Regeneration Paul Shipway, Head of Strategy and Performance Chloe Horner, Housing Strategy and Business Improvement Manager
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Status (public or exempt)	Public
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Wards affected	All
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Enclosures	Appendix 1: Housing Allocations Scheme- the full rules Appendix 2: Summary of changes to scheme Appendix 3: Summary of Equalities Impact Assessment Appendix 4: Summary of consultation responses
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For decision by	Cabinet
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Function of	Executive
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Reason for urgency / exemption from call-in	Not applicable
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Contact for further information: Chloe Horner, Housing Strategy and Business Improvement Manager, 020 8359 4775

1. RECOMMENDATION

- 1.1 That approval is given to the revised Housing Allocations Scheme as set out in Appendix 1 with the exception of paragraph 3.26 on discretionary succession.**
- 1.2 That the interim Director of Environment Planning and Regeneration is instructed to carry out consultation with secure council tenants on the proposals for the use of discretionary succession in the revised Housing Allocations Scheme as required under the Housing Act 1985 Section 102/3.**
- 1.3 That the Cabinet Member for Housing is authorised to implement paragraph 3.26 of the revised Housing Allocations Scheme following the consultation referred to in 1.2 and make further minor changes to the Housing Allocations Scheme.**
- 1.3 That the policy is reviewed after it has been in operation for two years and any further changes reported back to Cabinet.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Cabinet approved the existing Housing Allocations Scheme on 10 January 2011 (decision item 6) following an extensive period of consultation.
- 2.2 Cabinet approved the existing Housing Strategy on 12 April 2010 (decision item 8) including a target to review the Council's Housing Allocations Scheme.
- 2.3 Cabinet approved an update of the Housing Strategy to incorporate the Council's approach to social housing reform on 12 September 2011 (decision item 6).

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The Council's Corporate Plan 2011/13 includes "Sharing opportunities, sharing responsibilities" as a corporate priority. Within this, the Council has set a strategic objective to ensure that effective and efficient housing advice and assistance is provided to residents in housing need. A key initiative to achieve this has been the implementation of the Council's new Housing Allocations Scheme from April 2011. This scheme has been reviewed to ensure that it is providing an efficient and effective service for people in high housing need.
- 3.2 The new Housing Allocations Scheme also contributes to corporate priorities "Better services with less money" by providing a more efficient service with better outcomes for customers. It also contributes to "Successful London Suburb" by recognising the contribution that people who work or volunteer make to the community.
- 3.3 The Council's Housing Strategy 2010 to 2025 identifies the importance of helping more people in low paid employment and training to gain access to social housing under the objective to "Promote mixed communities". The strategy also recognises that the private

rented sector can be a positive housing choice for people in housing need and that the Housing Allocations Scheme should reflect that.

- 3.4 The Localism Act¹ contains a number of provisions to give local authorities new freedoms and flexibility on housing matters, including the ability to determine the classes of person who may qualify for housing assistance in their area and to discharge its duty to homeless households by offering a home in the private rented sector. The Housing Allocations Scheme has been revised to enable Council to make use of these new powers.
- 3.5 The London Mayor included in the London Housing Strategy a commitment to establish a London-wide mobility scheme to help existing social housing tenants who need to move to another part of London because of work or to release a larger property. All boroughs will contribute 5% of their relets into the scheme which will then be made available to people who have registered for a move and there is a mechanism to ensure that a balance is maintained between households moving in and out of individual boroughs. The scheme is due to come into operation from May 2012 and changes are needed to the council's allocations scheme to enable the council to participate.
- 3.6 The revised Housing Allocations Scheme complements the Council's draft local tenancy strategy which moves away from the idea of lifetime tenancies for council homes and encourages households to be less dependent on the Council in the provision of their housing. The draft strategy also ensures that the limited supply of council housing is used in the most effective way.

4. RISK MANAGEMENT ISSUES

- 4.1 The Council could face legal challenges to decisions that it makes under the new Housing Allocations Scheme. This risk has been mitigated by undertaking consultation with stakeholders, in particular Housing Association partners and community representatives in the voluntary sector.
- 4.2 The Council will need to allow for further adjustments to the scheme once it is operating, to take account of any challenges that are made on a case by case basis. Independent legal advice has also been obtained on the proposed changes to the Housing Allocations Scheme.
- 4.3 Barnet Council is at the forefront of the permissive changes in the Localism Act 2011 and there is no current case law on these changes. Advice from Counsel has been received and it is considered as a low risk.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The Housing Allocations Scheme agreed in January 2011 was subject to a full equalities impact assessment which included extensive consultation with residents and housing applicants on the former housing register. A further equalities assessment of the revised Housing Allocations Scheme has been undertaken to ensure it does not disadvantage any households on the basis of ethnicity, faith, gender, disability or sexual orientation or age. Three of the proposed changes were assessed initially as presenting equalities risks.
- 5.2 Extending the types of applicants that will not qualify for assistance

¹ Enacted on 17 November 2011

The main equalities risk identified was that some groups could be adversely affected by the introduction of additional criteria. A further risk is that information will not be held on non-qualifying cases in future and will not be available for the Council to review the data on such applicants.

5.3 Data² from current records shows that approximately 11% of customers currently banded or being assessed for housing need will no longer qualify for assistance. The data analysis³ shows that there are no disproportionate differences in gender, bedroom size required (household size), or age (except for younger people).

5.4 However the data shows a higher proportion of Black households and also of young people (aged 19 – 24 years) were amongst those who would no longer qualify. There were also a slightly higher proportion of disabled people. Overall the actual number of households affected is small and the impacts are mitigated through improvements to the scheme which ensure that scarce housing resources are being made available to those in most housing need.

5.5 Introducing 2 year local connection criteria

The main equalities risk identified was that some groups may be adversely affected by the introduction of the 2 year local connection criteria.

5.6 The data shows that 12% of customers currently banded for housing or being assessed will no longer meet the local connection criteria but that there are no differences by gender or disability.

5.7 The analysis found that the greatest impact will be on households with 3 bed need⁴ and the main impact would be on Asian and Black groups. There is also a slight impact on the over 60s but greater impact on people aged between 30 and under 50 yrs but overall the actual number of households affected is small. The impacts are also mitigated as the introduction of local connection criteria will contribute further to the aim that scarce housing resources are made available to those in most housing need that have the strongest connections to the borough.

5.8 Income and capital thresholds

For households with children, the threshold has been set at the median earnings for Barnet which is currently £36,200. For households without children the threshold will be median earnings minus 15% which is currently £30,800.

Earnings data is not held on the housing management system but income data from Barnet Homes residents' survey⁵ shows that between 2% and 4% of applicants may be outside the proposed thresholds.

5.9 Data is not available on the number of applicants with savings over £20,000; however, the number is likely to be low since 68% of Barnet Homes tenants are in receipt of housing benefit⁶. The Department for Work and Pensions Family Resources Survey⁷ shows that older people are the most likely to have savings over this amount.

² Source: Saffron Housing Management Information System

³ Limited disability data and no sexual orientation data pending changes to Saffron

⁴ 4 and 5 person households are also 3% higher than those with over 2 years residence in the borough

⁵ Status Survey 2008

⁶ Savings limit for Housing benefits is £16,000 (in most cases)

5.10 Although data monitoring and regular reviews of the scheme will continue to be undertaken it will not be possible to directly monitor cases that do not meet the new eligibility or local connection criteria since not all of these applications will be recorded. However we anticipate sufficient data being captured to allow continuous review and this will also be mitigated through periodic sampling and through future housing needs surveys or strategic market assessments.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

6.1 There are no direct resources implications from this report. There is a limited supply of social housing in Barnet and the revised Housing Allocations Scheme will ensure that resources are directed at the people in the highest housing need. For many years the Council maintained an open housing register which was expensive and wasteful to administer.

6.2 Any financial implications will be contained within the Barnet Homes budgets.

7. LEGAL ISSUES

7.1 Legal advice has been received about the detail of the Housing Allocations Scheme and minor changes made to it in response to this advice to ensure it is legally robust.

7.2 The legal requirements on consultation under S167 (7) Housing Act 1996 have been complied with.

8. CONSTITUTIONAL POWERS

8.1 Part 3 of the Constitution sets out the executive functions. The Cabinet Member for Housing is the lead on budget and policy formulation and implementation relating to housing under Part 3.2, Responsibility for Functions.

9. BACKGROUND INFORMATION

9.1 Barnet Council implemented a new Housing Allocations Scheme in April 2011. The aims of the new scheme were that it was more efficient and offered better outcomes for customers in housing need. There were 5 key changes from the scheme it replaced:

- Closure of open waiting list so that the Council no longer keeps the details of people who it is unable to help on a wasteful list
- Use of 4 simple bands⁸ instead of a complicated points system
- Assisted choice instead of bidding on Choice Based Lettings where the housing needs officer finds suitable housing for the client to choose from those that are available, having assessed their specific needs
- Recognising community contributions from people also in housing need, such as working, volunteering, training for employment, foster caring and former members of

⁷ Department of Work & Pensions Family Resources Survey 09/10

⁸ Bands:

Band 1	Reasonable preference:	Urgently need to move
Band 2	➤ Homeless	Need to move plus community contribution
	➤ Unsanitary/overcrowded housing	
Band 3	➤ Medical/welfare disability	Need to move only
	➤ Hardship reasons	
Band 4	People who would fall into a higher band but have had their reference reduced	

the armed forces

- Inclusion of Private Rented Sector (PRS) properties in selections of suitable properties for clients to move.

6 month review

- 9.2 A review of the new scheme took place in November 2011 to establish how well it was working.
- 9.3 The table below shows how many people were banded and housed in social housing in the first 6 months (1 April to 31 October 2011) of operation. Band 1 comprises the people in the most urgent housing need and existing tenants who are under-occupying family homes and have decided to trade down to a smaller property. Band 2 comprises people in housing need with Community Contribution and Band 3 comprises people in housing need who do not have Community Contribution. Band 4 is by far the largest band and this includes people who have had their preference reduced, for example they have no local connection or they are intentionally homeless⁹. It also includes people who have been placed in long-term temporary accommodation but as they are currently satisfactorily housed the Council will not in practice help them until the lease is coming to an end.

People in bands and housed in social housing to end October 2011

	Band 1	Band 2	Band 3	Band 4	Total
No. in band	242	306	421	2,052	3,021
No. in band housed	57	72	54	7	190

- 9.4 More people have been housed in social housing from band 2 than from band 1. Many people in band 1 are under-occupiers trading down and, therefore, have more specific requirements and so it takes more time to locate suitable properties.
- 9.5 When the scheme was developed it was not expected that social housing would be offered to people in the lowest housing band, although as the table shows. 7 households have been re-housed from band 4. However, analysis of these applicants showed that they were older people and the properties were sheltered housing units which can be more difficult to let.
- 9.6 From April to December 2011, 140 people¹⁰ were also housed into the private rented sector (PRS) but it is not currently possible to identify which band they were housed from.
- 9.7 The review considered the length of time it takes from application, investigation and banding for new housing applicants¹¹. It has taken an average of 29 days to assess and band these applicants. The quickest performance has been application and banding on the same day and this has happened 66 times.
- 9.8 Three quarters of households who have been awarded "Community Contribution" (band 2) have been awarded this because they are working. Community Contribution awards for other reasons, particularly volunteering, foster caring and former members of the armed

⁹ The number of people in band 4 with reduced preference to end October 2011 was 328

¹⁰ From Home Choice database

¹¹ People who applied for housing on or after 1 April 2011- the system identified 860 people who have applied and assessed since the new scheme started

forces, were very low. It is necessary to clarify in the scheme that within the Community Contribution policy it is the head of household or their partner that can be awarded the additional priority, and not children or other family members.

- 9.9 After working, the second most common reason for placement into band 2 was discretion. Given this, it has been important to ensure that there is clear guidance on and wording in the scheme on where discretion can be applied, including where a head of household has formal caring responsibilities and cannot therefore work or attend formal training.
- 9.10 Housing associations have generally been satisfied with recent performance on nominations. However, there has been no improvement in re-let turnaround for routine Barnet Homes voids but a significant improvement on regeneration lettings. It will be important to continue to monitor void times going forward and this issue will be addressed through the transfer of the Housing Service to Barnet Homes from April 2012.
- 9.11 A further outcome of the review has been how the Housing Allocations Scheme deals with young people under the Community Contribution policy. Under the existing scheme young people prioritised for move on are placed into the priority bands (bands 1 and 2), irrespective of whether or not they make a Community Contribution. However, discussions with housing officers through focus groups, and with staff in the Council's Children Services department, it was strongly felt that where possible young people should be expected to make a Community Contribution in order that they are placed in band 2.

Localism Act

- 9.12 The Housing Allocations Scheme has also been reviewed in the light of permissive reforms set out in the Localism Act 2011. In the past, legislation did not allow councils to adapt and to meet local housing needs. Social landlords did not have enough discretion over how they managed their housing in the best interests of their local community. The reforms, therefore, are intended to make the allocation of social housing fairer and more transparent.
- 9.13 One of the key reasons for Barnet Council when it made the initial changes to housing allocations in April 2011 was the need to refocus a limited resource at the people in the most housing need. This is particularly important in a borough like Barnet with high demand for housing because of excellent schools, green spaces and transport links.
- 9.14 The Localism Act gives councils the flexibility to redefine local connection. The current scheme¹² defines local connection as in Homelessness Code of Guidance 2006. This states that local connection will normally mean that an applicant has lived at least 6 of the last 12 months, or 3 of the last 5 years in the area.
- 9.15 In the revised scheme local connection will normally mean that an applicant has lived in Barnet for at least 2 years. Placement into temporary accommodation (TA) in Barnet by another borough will not normally count while placement into TA in another borough by Barnet normally will. This will ensure that the Council is able to prioritise the limited supply of available social housing to people who have a clear local connection with the borough. However, the Council recognises that there may be exceptional circumstances where the only way an urgent housing need, such as a threat to life or the police have recommended a move for safety reasons, can be resolved is through the use of

¹² This replaced a scheme that gave 200 additional "Barnet Residency" points to applicants who had lived in Barnet for at least 2 years.

discretion and the local connection rules may be waived in these circumstances.

- 9.16 The Localism Act allows councils to specify which classes of person qualify and do not qualify for housing assistance under their allocations scheme so that schemes reflect the fact that there are different levels of demand and need in different places.
- 9.17 Currently some people in housing need are placed into band 4 because they have no local connection or are intentionally homeless, or because they have broken their tenancy agreement. However, as Barnet is an area of high demand, realistically the Council is not in position to offer housing to these households as there are others in higher housing need in Bands 1, 2 and 3.
- 9.18 The Localism Act 2011 allows councils to identify types of applicants who will not be considered for re-housing so that they can target limited resources at the people in the highest housing need. The revised Housing Allocations Scheme proposes that the following applicants will not normally be placed into a housing needs band:
- Applicants with no local connection
 - Applicants overcrowded by 1 bedroom
 - Applicants convicted of housing or welfare benefits fraud
 - Applicants who have refused 2 reasonable offers of accommodation
 - Applicants found to be intentionally homeless
 - Applicants in long-term temporary accommodation
 - Applicants owning rent arrears, unless an agreement to repay them has been made and kept
 - Applicants with assets or income exceeding limits set out in the council's tenancy strategy¹³
 - Applicants in breach of a tenancy condition.
- 9.19 Households in long-term temporary accommodation will be assessed under the Housing Allocations Scheme before their current accommodation comes to an end, or if their current circumstances change.
- 9.20 Defining classes of person who will not qualify will enable the Council to direct its resources at the people in the greatest housing need. It is recognised in the Scheme that there may be exceptional circumstances, such as a threat to life, where discretion may be used and approved by a housing needs manager.

Other changes

- 9.21 Housing law means that certain household members are entitled to succeed to a council tenancy when the tenant dies. This statutory right only applies to the first time that a succession occurs. The policy on discretionary succession has been amended so that any further succession would only happen if the succeeding tenant would qualify for bands 1 to 3 under the revised Housing Allocations Scheme. The Council will have to undertake a Housing Act 1985 Section 102/3 consultation with existing secure tenants on a new tenancy agreement before the policy on discretionary succession can be implemented.
- 9.22 The Council intends to participate in pan-London mobility and the Housing Allocations Scheme has been amended to take account of the fact that 5% of re-lets will be allocated on a London-wide basis to existing social tenants.

¹³ The limits are median earnings for households with children (currently £36,200) and median earnings minus 15% for households without children (currently £30,800). People will also not normally be housed with assets of £20,000

- 9.23 A full list of the changes to the Housing Allocations Scheme, together with explanations, can be found in appendix 2. The full revised rules, with changes highlighted in red text, is located at appendix 1.
- 9.24 To ensure that the amended scheme continues to operate effectively and fairly, it is recommended that the Housing Allocations Scheme is subject to a further review after it has been in operation for 2 years.

Consultation

- 9.25 The Council has consulted on these changes with housing associations operating in the area as is required under the law. The consultation period was from 31 January 2012 to 2 March 2012. In addition, a housing forum meeting was held on 23 February 2012 to discuss the proposals. This also included representatives from the voluntary and community sector. A summary of the consultation responses is shown in appendix 4.

10. LIST OF BACKGROUND PAPERS

- 10.1 Housing Allocations Scheme 6 month review

Legal – BH
CFO – MC/JH

Barnet Council

The Housing Allocations Scheme March 2012

The full rules

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1. Context and Policy Aims

The Aims of Barnet Council's Allocations Scheme

This document describes the criteria and procedure that Barnet Council uses to prioritise housing applicants for the social housing¹ that we allocate to; i.e. homes owned by Barnet Council, and a proportion of homes owned by Private Registered Providers (housing associations) in the Borough and other areas covered by the North London Housing Sub-region² to which we make nominations). It also sets out other assistance that we provide to housing applicants, including advice and access to housing in the private rented sector.

In Barnet the demand for social housing is very much greater than the number of homes available. This Allocations Scheme describes how the Council prioritises housing applicants to ensure that those in greatest housing need, as described by the legal definition of Reasonable Preference (see section 3), are given a head start to access available social housing, compared with those who have no housing need, but who want to move to or within social housing.

Barnet Council's Allocations Scheme sets out in detail who is and who is not assisted under the scheme and how this is decided. It also sets out how to apply for housing and the standard of service that the council will aim to achieve.

The Allocations Scheme is designed to meet all legal requirements and to support and contribute towards the Council's wider objectives such as promoting mixed communities.

The key objectives of this Allocations Scheme are to:

- Provide a fair and transparent system by which people are prioritised for social housing.
- Help those most in housing need.
- Promote the development of sustainable mixed communities.
- Encourage residents to access employment and training.
- Recognise residents who make a contribution to a local community.
- Make the best use of Barnet's social housing.
- Make efficient use of our resources and those of our partner Registered Social Landlords.

Social housing in Barnet will be allocated through a property pool that will allow applicants to view available council and housing association homes, along with homes that the council has secured access to in the private rented sector. The system will be supported by a housing options approach giving applicants realistic

¹ Social housing is housing owned by local authorities and registered social landlords for which guideline rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements, as agreed with the local authorities or with the Homes and Communities Agency.

² Westminster, Camden, Islington, Haringey and Enfield

advice and promoting other housing options, such as low cost home ownership options and private sector renting.

We are committed to providing a fair and transparent service to everyone applying for housing under the Council's scheme and to allocate accommodation, in the majority of cases, to those households with the greatest need. In doing so we are also committed to ensuring that the allocation of homes is done in such a way as to promote social cohesion and promote mixed communities, to enhance Barnet's reputation as a place where people want to live.

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2. **LEGAL CONTEXT**

- 2.1 Barnet Council's Allocations Scheme sits within a legal framework which is summarised in this section.
- 2.2 The 1996 Housing Act (as amended by the 2002 Homelessness Act) requires local authorities to make all allocations and nominations in accordance with an Allocations Scheme. A summary of the Allocations Scheme must be published and made available free of charge to any person who asks for a copy. This document and a easy to read summary of the scheme are available on the council's web site, www.barnet.gov.uk and paper copies will be provided on request.
- 2.3 The Housing Act 1996, (as amended) requires local authorities to give Reasonable Preference in their allocations policies to people with high levels of assessed housing need who are defined as:
- All homeless people as defined in Part VII of the Housing Act 1996 (whether or not the applicant is owed a statutory homeless duty and regardless of whether such cases have any local connection with Barnet Council);
 - People who are owed a duty under section 190 (2), 193 (2) or 195 (2) of the 1996 Act (or under section 65 (2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any Housing authority under section (192 (3).
 - People occupying Insanitary, overcrowded or otherwise unsatisfactory housing;
 - People who need to move on medical or welfare grounds (including grounds relating to a disability);
 - People who need to move to a particular locality within the district to avoid hardship to themselves or others.
- 2.4 The Act also requires local authorities to state within the policy what its position is on offering applicants a choice of housing accommodation, or offering them the opportunity to express preference about the housing accommodation to be allocated to them. Our policy on choice is described below in Section 4.
- 2.5 **This Allocations Scheme complies with the requirements of:**
- **Housing Act 1996 (as amended)**
 - **Allocation of Accommodation: Code of Guidance for Housing Authorities 2002**
 - **Choice Based Lettings Code of Guidance for Housing Authorities 2008,**
 - **Fair and Flexible: Statutory guidance on social housing allocations for local authorities in England 2009**
 - **Localism Act 2012**
 - **London Housing Strategy**
 - **Barnet Housing Strategy.**

2.6 The Scheme also complies with the Council's equality duties including the duty to eliminate unlawful discrimination and to promote good relations between different racial groups, as well the duty to promote equality between disabled persons and other persons and between men and women.

2.7 This Scheme has considered:

- The Council's statutory obligations and discretion as to who is eligible for housing allocation
- The Council's statutory obligation to provide Reasonable Preference to certain categories of applicants set down by law i.e. those who must be given a 'head start' under the Council's Allocations Scheme.
- The Council's statutory discretion to grant "additional preference" and/or to determine priority between applicants with Reasonable Preference.
- The general and specific statutory discretions the Council can exercise when allocating housing in support of its Community Strategy.
- The Council also recognises its discretion to give additional preference to particular descriptions of people with urgent housing needs
- The Council's participation in the pan-London mobility scheme administered by the Greater London Authority

2.8 Tenancies for council homes are allocated according to the council's local tenancy strategy as required as part of the Localism Act 2011. Other registered providers have to take account of the Council's local tenancy strategy when setting their own policies.

OUR PRIORITIES FOR SOCIAL HOUSING

ELIGIBILITY

3.1 Anyone can approach the council for housing advice and assistance, however, the amount of social housing in Barnet is very limited, and the Council will no longer maintain an open housing waiting list³ containing households that it is unable to help access a council or housing association home.

3.2 People in the following criteria are not eligible for re-housing:

Those people subject to immigration control and certain other people from abroad excluded by law or regulation.

For more information on this please contact the Council.

In some instances a person may be eligible despite being subject to immigration control. The Council will disregard as members of the household those who are "restricted", such as those who are:

- not eligible
- those who are subject to immigration control
- those with no leave to enter or remain in the UK
- those with leave but subject to a condition of no recourse to public funds.

For households eligible to be rehoused only because of the housing need of the restricted persons, the Council has a duty to arrange as far as practicable, an assured shorthold tenancy with a private landlord.

If the main applicant is eligible and not subject to immigration control, non eligible dependant children and other dependant family members **will be** taken into account.

Non dependant adult children, non relatives, carers, lodgers and live in help **will not** be taken into account.

Furthermore, due to shortage of properties with 4 bedrooms or more the Council will discuss with large households whether their application may be divided into two or more smaller households.

CLASSES OF PERSON THAT DO NOT QUALIFY

3.3 Having considered the changes made to the Housing Act 1996 Part VI in the Localism Act 2011, the following classes of person will not normally qualify for a place in a band. There is discretion to waive these classes in exceptional circumstances, as approved by an appropriate manager:

³ Also known as a Housing Register

- a. Applicants with no local connection to Barnet as set out at Para 3.4 (save for applicants placed in band 4 as in section 4 below)
- b. Applicants who are overcrowded by only 1 bedroom and this is their only housing need
- c. Applicants who have been convicted of housing or welfare benefits related fraud where that conviction is unspent under the Rehabilitation Offenders Act 1974. Any person caught by this may re-apply once this conviction is spent
- d. Applicants who have refused two reasonable offers of accommodation under the terms of this Allocations Scheme, see para 4.24
- e. Homeless applicants found to be intentionally homeless
- f. Homeless applicants to whom the main homelessness duty has been ended due to refusal of a suitable offer
- g. Homeless applicants placed in long term suitable temporary accommodation under the main homelessness duty unless the property does not meet the needs of the household or is about to be ended through no fault of the applicant see para 3,6
- h. Applicants with lawfully recoverable arrears or other housing related debt within the meaning of this Scheme
- i. Applicants whose income or assets exceeds the limits set by the Council (as these limits will change the Officers will use guidance to apply this test)
- j. Homeless applicants but assessed as having no priority need under the homelessness law
- k. Applicants who owe arrears of rent or other accommodation charges to the Council in respect of the current tenancy or former accommodation, unless an appropriate agreement has been reached and sustained for a reasonable period. In assessing the application for registration, the Council will take into account the size of the debt, the means to pay and the degree of need
- l. Applicants in breach of another condition of their Tenancy Agreement and this is accepted by both parties.

ASSESSMENT OF NEED

3.4 The council has developed a housing banding system to determine who will be prioritised for housing in the borough. The housing bands are summarised below and full details are set out in Annex 1:

Band 1: People who have a reasonable preference⁴ and are granted additional preference (being people with a very urgent need to move).

Band 2: People who need to move and fall within one of the reasonable preference categories but also qualify for the positive community contribution

⁴ a) people who are homeless (within the meaning of Part 7);(b) people who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3); (c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;(d)people who need to move on medical or welfare grounds [(including grounds relating to a disability)]²; and (e) people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

criteria such as being in employment, training or voluntary work. **People who currently live in supported housing who have been prioritised by Adult Social Care and Health as ready for independent living.**

Band 3: People who need to move and fall within one of the reasonable preference categories but do not qualify for the positive community contribution criteria

Band 4: People who need to move and have been awarded reasonable preference, but have had their preference reduced due to for example, no local connection.

LOCAL CONNECTION

3.5 Local connection within the terms of this scheme will normally mean that an applicant has lived in this borough, through their own choice, for a minimum of 2 years up to and including the date of their application, or the date on which a decision is made on their application whichever is later.

Accepted homeless households placed by this authority in accommodation outside Barnet will also have a local connection as long as they fulfil the two year residential qualification (time spent placed by Barnet in temporary accommodation outside the borough will count towards time spent in Barnet.

Local connection may also be awarded to people who need to move to a particular locality in the borough, where failure to meet that need would cause exceptional hardship to themselves or to others. Those without a local connection will not be eligible to be placed in bands 1,2 or 3 until this condition is satisfied.

People in the following categories will not normally be considered as having a local connection:

- Those placed in the borough of Barnet in temporary accommodation by another borough
- Those placed in the borough of Barnet in residential or supported housing by another borough
- Secure or flexible tenants of other boroughs
- Those who do not meet the residential criteria but who have family members in this borough.

3.6 Applicants who have been placed in long term temporary accommodation by the Council will not be placed in **a housing needs band**. This will be reviewed if the arrangement is due to expire within the next 3 months or there is a change in circumstances that may increase their priority under this scheme. Long term temporary accommodation includes⁵ private sector properties let via the council or a housing association under a leasing arrangement, and non-secure tenancies on the regeneration estates.

⁵ These examples do not represent an exhaustive list.

- 3.7 Applications for housing will be assessed by Housing Officers using information supplied by the applicant and as a result of further enquiries as appropriate. The Housing Officer will decide whether the applicant falls within the Council's housing banding system and if so which band will apply.
- 3.8 Applicants who are assessed as not falling within one of the Council's Housing Bands will only be offered housing advice and assistance as necessary.
- 3.9 The Council recognises that there may be exceptional circumstances where the only way an exceptional housing need can be resolved is through the use of discretion. In the interests of fairness to all these applicants these circumstances are kept to a minimum. Examples of exceptional circumstances include, but are not limited to:
- Threat to life
 - Emergency cases whose homes are damaged by fire, flood or other disaster may be provided with another tenancy if it is not possible to repair the existing home, or if any work to repair is to take such a long period of time that there will be serious disruption to family life.
 - Households who, on police advice, must be moved immediately due to serious threats to a one or more members of the household, or whose continuing occupation would pose a threat to the community.
 - Cases nominated under the Police Witness Protection Scheme or other similar schemes that the council has agreed to be part of.
 - An applicant who has an exceptional need that is not covered in the Allocations Scheme. For example, where child or public protection issues require rehousing or for severe domestic abuse where all other options to remain in the home have been considered.
 - Other exceptional circumstances as authorised by the Assistant Director Housing and Environmental Health or equivalent.
- 3.10 Medical priority will be awarded according to the extent to which the health or welfare of one or more members of the applicant's household is affected by their housing conditions and the expected benefits of providing suitable alternative settled housing. Applicants who are assessed as having an overriding medical or welfare housing need will be placed in Band 1; the circumstances that justify this are detailed in Annex 1.
- 3.11 We will work together with social services and other agencies looking at supply and demand to identify clients currently in supported housing who are ready for independent living. Subject to these discussions and agreement that the client's housing needs cannot be met outside of social housing, **clients referred by Adult Social Care and Health** will be placed in Band 2, unless there is an urgent need to move in line with the Band 1 criteria.
- 3.12 **Where a young person is identified by Children's Services as ready to move on to other accommodation the young person will be placed in Band 2 or 3 subject to community contribution (unless there is an urgent need to move in**

line with the Band 1 criteria). The amount and type of contribution may vary for young people and the housing needs officer will have discretion to assess this as set out in Annex 3 to this scheme.

CONDITION AND SIZE OF ACCOMMODATION

- 3.13 All accommodation offered will be habitable and in reasonable repair.
- 3.14 The size of accommodation for which each applicant will be considered will depend upon the size and composition of the applicant's household. The requirements for each size of household are set out at Annex 2
- 3.15 Larger accommodation than specified in Annex 2 may be considered in exceptional circumstances on the recommendation of a specialist advisor, for example the Council's Medical Adviser, Occupational Therapy Service, or senior social worker.
- 3.16 In calculating the number of bedrooms available within properties the Council will treat every habitable room as a bedroom except kitchens, bathrooms and one room for use as a living room. The Council will normally consider additional downstairs rooms in houses for use as bedrooms in accordance with Housing Benefit regulations.
- 3.17 Cases of existing secure Council tenants agreed as Management Transfers (due to extreme circumstances such as violent assault, harassment etc) are able to move to alternative accommodation as the only viable resolution to their current difficulties. These moves should however not be at the expense of others. Therefore their move will only be to the same size and type of accommodation as they currently occupy regardless of their actual housing need.

COUNCIL TENANTS

- 3.18 Council tenants wishing to move from their existing home will be assessed in the same way as other applicants applying for housing advice and assistance under this scheme.
- 3.19 Applications for transfer may be made jointly by separate tenants of the Council who wish to apply for housing together, on the condition that both tenancies will be relinquished if the Council makes an acceptable offer of a transfer to a third property.
- 3.20 On occasion it may be necessary for a council tenant to move out of their existing home to allow major works to be carried out or because their home is due to be demolished. In these circumstances, the Council will use its discretion to prioritise a move to a suitable alternative home by placing the tenant in Band 1 at an appropriate time.

- 3.21 Council tenants who have to move because major works are required to their home will have the option of moving back to their original home once the works have been completed.
- 3.22 The Council is undertaking a number of regeneration schemes. Under these schemes a large number of existing council homes will be demolished and replaced with new homes owned and managed by housing associations. Under this allocations policy, existing secure tenants whose homes are due to be demolished will have priority for the new replacement homes being provided on their estate in accordance with the provisions agreed for each estate, before they are made available to any other applicants.
- 3.23 Where a council tenant is imprisoned for a period of more than 12 months, and would therefore either accumulate rent arrears or possibly lose their tenancy, they can voluntarily give up their tenancy. Upon release they would be made a direct allocation of a secure property that meets their needs. The size of accommodation would be the same as their previous tenancy, or a size that meets their needs under the terms of this policy, whichever is smaller. This will not apply to tenants who have been imprisoned in relation to a crime that would enable the Council to seek repossession of their accommodation- where this applies the Council will normally take repossession action.

HOUSING ASSOCIATION TENANTS

- 3.24 Housing association tenants will be assessed in the same way as other applicants applying for housing advice and assistance under this scheme.

MUTUAL EXCHANGES

- 3.25 Secure tenants have certain rights in relation to exchanging their tenancies with other secure tenants and in relation to the circumstances in which a member of their household can succeed to their tenancy. These do not fall within the scope of this allocations scheme, and full details for how these schemes operate can be obtained from Barnet Homes or their Landlord in the case of Housing Association Tenants.

DISCRETIONARY SUCCESSION

- 3.26 Housing law means that certain household members are entitled to succeed to a council tenancy when the tenant dies. This statutory right only applies to the first time that a succession occurs, but beyond this, the council will use its discretion to allow additional successions to take place in the following circumstances:
- The person applying for succession has lived continuously in the property as their principle home for twelve months before the death of the tenant and

- They are the spouse, civil partner, a close relative of the tenant, or someone who had to live with the tenant in order to provide them with care, without which the tenant could not have maintained their tenancy and
- They would qualify for the property they have applied to succeed to under the council's allocations policy.

Where a property is not suitable for the person applying to succeed, for example because it is too large, the council will assist them to find alternative accommodation if they qualify for help under the allocations scheme, this could include an offer of accommodation in the private rented sector.

Where a discretionary succession is agreed, the tenancy will be treated as a new tenancy under the Council's Tenancy Strategy – this means that in most cases a flexible tenancy will be granted, unless the applicant falls within a category of people who will still be granted a lifetime tenancy, for example a former member of the armed forces.

SERVICE TENANCIES

- 3.27 Employees of the council or Barnet Homes who have a service tenancy associated with their employment may be rehoused by the council in certain circumstances as set out in Annex 4. This will be achieved outside of assisted choice through the operation of clause 4.11 of this scheme.

4. **HOW THE COUNCIL ALLOCATES PROPERTIES**

THE PROPERTY POOL AND ASSISTED CHOICE

- 4.1 Barnet Council operates a property pool and assisted choice lettings system. This means that the council will maintain a list of properties that are available to let to housing applicants who fall into one of the housing bands described in Annex 1. This will include properties in the council, housing association and private rented sectors.
- 4.2 Priority for council and housing association properties being let as secure or assured tenancies will be determined by housing band, with those applicants in Band 1 having a greater priority than those in bands 2-4, and those in band 2 having a greater priority than those in bands 3-4, and so on. Within bands, priority will be determined by date order⁶
- 4.3 In considering priority for re-housing between applicants with a similar priority under the banding scheme, the Council will also take account of the immediacy of need of each applicant. This means, for example, that where two applicants in the same band are interested in the same property, preference may be given where one of the applicants is facing a more immediate loss of their existing home than the other.
- 4.4 To avoid the loss of properties available to the Council, properties in the private rented sector will normally be made available on a first come first served basis to applicants across bands 1-4. Where more than one applicant is being considered for a private sector property, priority will be determined by band and date in band.
- 4.5 Applicants will be asked to choose a property or properties to view from a selection of those that are available and meet their needs, and will be asked to accept one of these as their offer of re-housing.
- 4.6 If no suitable properties are available, the applicant's case will remain open until a property becomes available and their Housing Officer will be proactive in working with them to secure a home.

EXCEPTIONS TO ASSISTED CHOICE

- 4.7 Available properties which are adapted or which are suitable for adaptation **and Extra Care and Sheltered Plus housing** or which are otherwise potentially suitable for applicants with a substantial disability or other special **or support** needs may be allocated outside strict banding and date order priority.
- 4.8 An allocation may also be made outside banding priority in the case of a Council tenant who is willing to transfer from a property which s/he does not require and which is particularly suitable for an applicant with **special or support needs**.

⁶ Date order means that date that an applicant was placed in the housing band

- 4.9 Applicants who have a special need for adapted property or other particular type of accommodation which is in very short supply may be invited to consider suitable property which becomes available outside of the areas preferred by the applicants concerned.
- 4.10 Applicants who have given up their council tenancy whilst they are in prison as set out in 3.23 above.
- 4.11 The Council reserves the right to restrict the operation of the property pool to certain groups of applicants or to make direct offers of accommodation to households waiting for re-housing in order to fulfill its fiduciary or housing management duties and responsibilities, including achieving a balance of lettings as set out in the Council's letting plan.
- 4.12 Special allocation arrangements may apply in respect of properties available for letting on new-build developments.
- 4.13 Decisions to allocate properties outside of the property pool and assisted choice under 4.7 to 4.12 will be authorised by a senior housing officer. In addition, decisions under 4.11 and 4.12 will be notified to an appropriate senior representative of the Council.

PAN-LONDON MOBILITY

- 4.14 Barnet Council participates in pan-London mobility (PLM) arrangements⁷ and accordingly up to five percent of the properties that become available to the Council for re-letting or nomination each year will be made available to transferring tenants from other London local authorities participating in the scheme.
- 4.15 Homes under this scheme are allocated according to the PLM allocations scheme rules and not the rules outlined in this scheme. Full details of the PLM scheme can be found at www.london.gov.uk.
- 4.16 Existing tenants of Barnet Council can make transfer applications through PLM to be considered for vacancies in other London local authority areas.

TYPES OF PROPERTY

- 4.17 Some properties or blocks of properties are designated for allocation only to applicants sharing a common characteristic or need, for example:
- Properties in blocks of flats for people aged over 40, or aged over 50.
 - Properties in sheltered housing developments for people over 60,
 - Properties in supported housing schemes offering special services,
 - Individual properties which are adapted or otherwise particularly suitable for applicants who use a wheelchair, or

⁷Currently known as London Moves

- Houses will normally only be allocated to households with children under the age of 10, unless there is an overriding medical or social need for urgent rehousing

SELECTION OF PROPERTIES

4.18 In selecting properties from the property pool for applicants to consider, the Council will normally take into account the following factors:

- The number of bedrooms required (see Annex 2)
- Any essential requirement concerning the type or location of rehousing
- The housing band into which the applicant's case falls

4.19 The Council will not normally take into account:

- Non-essential preferences concerning the location or type of rehousing requested by the applicant.
- An applicant's preference as between an allocation of a Council property, a nomination to a housing association property or **an allocation to the private rented sector**.
- The standard, type or location of the applicant's current accommodation (except where this is related to the assessment of their need)

SUITABILITY OF OFFERS OF REHOUSING

4.20 Where accommodation is offered through the assisted choice process described above, an applicant will normally be expected to accept an offer of a property that meets their specified needs. Suitable offers are those that are deemed as suitable and appropriate to meet the housing and medical needs of the household concerned.

4.21 The Council will seek to take into account applicants' particular or special needs but it will not always be possible to ensure that these needs are met. In considering what is reasonable, the Council will have regard to the overall supply of Council accommodation and the demands placed upon it by all priority groups.

4.22 As a guideline and subject to the individual circumstances of each application, the Council will normally consider that a property is suitable if:

- It is located close to an area which the applicant has selected or an area that the Council considers to be reasonable.
- It is sized in accordance with the criteria in Annex 2.
- It complies with any recommendation made by a Medical or other relevant advisor.

4.23 An offer of accommodation which is arranged by way of a nomination to a housing association will be considered to be as reasonable as an offer of a council tenancy.

4.24 If a housing applicant refuses two reasonable offers of accommodation through the assisted choice scheme or a direct allocation, they will be removed from the banding system.

4.25 An applicant whose housing priority has been reduced to Band 4 under 4.22 will not be entitled to be placed in a higher band under this allocations policy again for a period of 12 months from the date that the Council notified them of its decision, except where there has been a material change in circumstances such that the offer of rehousing would no longer be suitable, for example because of an enlargement in the applicant's household or a deterioration in ill health.

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PROCEDURE FOR APPEALS AND REVIEWS

- 5.1 All applicants have the right to request general information about their application, including whether they are entitled to any preference for housing and whether and when suitable accommodation will be offered to them. Decisions made under this policy will be notified to applicants in writing and applicants are entitled to request information concerning the facts of their case that have been taken into account.
- 5.2 Applicants who are unhappy with a decision made under this policy should in the first instance contact the housing officer who has dealt with their case and explain why they think that the decision is not reasonable.
- 5.3 The applicant will be notified whether the decision still stands and the reasons for this usually within 48 hours
- 5.4 If an applicant wishes to take the matter further, they can make a request for a formal review of the decision within 21 days. In these cases the applicant will be invited to make a written submission stating the reasons for their request for a review and the Council will seek any further information it requires, including advice from medical and other specialist advisors. Formal reviews will be conducted by a team leader or manager within the Council's Housing Service with no previous involvement in the case who will notify the applicant of the outcome of the review including the reasons for their decision within 56 days.
- 5.5 Where an applicant wishes to appeal the suitability of an offer of accommodation under 5.1 of this policy, the property will be held available whilst the appeal is considered where this is not likely to lead to an unreasonable delay in letting the property.
- 5.6 Where an applicant requests a formal review concerning the suitability of accommodation under 5.3 of this policy, the property will not normally be held available whilst the appeal is considered.

GENERAL RULES AND CONDITIONS

DECISIONS

- 6.1 All decisions taken under this policy will be by fully trained housing officers within the Council's Housing Service unless otherwise specified. Housing Officers are supported by Team leaders and Senior Managers.

REQUESTS FOR ASSISTANCE

- 6.2 Requests for housing assistance must be made to the Housing Service. The Council aims to notify applicants of the result of the assessment of their priority under the Housing Banding System within 14 days. However, in cases where a medical assessment or other special assessment is required, it may take longer to notify the result.

PERSONS ELIGIBLE FOR ASSISTANCE

- 6.3 Persons entitled to assistance must be members of the applicant's immediate family who normally reside with the applicant. Any other person or persons will only be considered as entitled if the Council is satisfied that it is reasonable for that person to reside with the applicant. This will normally exclude lodgers or anyone sub letting from the applicant.
- 6.4 The Council may also refuse to consider an application for assistance or someone's inclusion on an application if the person concerned (i.e. other than the applicant) has made a separate housing application.

EVIDENCE OF IDENTITY AND HOUSING CIRCUMSTANCES

- 6.5 All applicants must provide satisfactory evidence of identity and past and current residences for themselves and all household members. The Council will request documentary evidence from each applicant and will conduct such further enquiries as are reasonable in the circumstances. An application will be cancelled if the applicant has failed to provide documentary evidence or other information reasonably required by the Council in order to validate the application.
- 6.6 The Council will normally carry out a visit to each applicant's residence if their priority is sufficient for an allocation of housing under this scheme. Visits conducted will include an inspection of the accommodation and facilities and are normally but not necessarily arranged by appointment.

INCOME AND SAVINGS

- 6.7 All prospective new tenants will be required to supply evidence of their financial income and resources. Where applicants are not able to show current entitlement to Income Support, verification of income and savings will be required prior to applicants being offered accommodation. Households with children who have an income that is at median Barnet earnings (currently £36,200) or households without children who have an income at median Barnet earnings less 15% (currently

£30,770) will not normally be placed into a band or offered social housing. Similarly where applicants have resources above the level set by the Council (£30,000 capital or savings) they will not normally be placed into a band or offered social housing. Households with incomes or assets below these limits will only be banded if they meet the criteria set out in this scheme.

CHANGES OF CIRCUMSTANCES

6.8 Once placed in a priority band, applicants should notify the Council in writing of any material change in their circumstances that will affect their priority for housing, for example:

- a change of address, for themselves or any other person on the application.
- any additions to the family or any other person joining the application
- any member of the family or any other person on the application who has left the accommodation.
- any change in income or savings.

6.9 Applications may be temporarily suspended while the Council assesses the information provided by the applicant and completes further enquiries that may be necessary.

6.10 The Council will carry out an assessment of each applicant's entitlement to and priority for re-housing on the basis of information which has been provided by the applicant or otherwise received in connection with the applicant.

INVESTIGATION OF FRAUD

6.11 The Council recognises its duty to protect the public resources it administers. Detailed enquiries about applications will therefore be made in order to guard against misrepresentation and fraud. Such enquiries will be made in all cases where applicants appear to have sufficient priority for an offer for rehousing, and in other cases as resources allow and may be made at any time either at the time of application or subsequently including after any grant of tenancy. Applications will be suspended if there is evidence of misrepresentation or fraud until enquiries are completed.

6.12 Any applicant seeking to obtain accommodation by making a false or misleading statement or by withholding relevant information or by failing to inform the Council of any material change in circumstances is liable to have his/her application cancelled. Prosecution will be considered where it appears to the Council that a criminal offence has been committed. Proceedings for possession will be taken to recover any tenancy granted in consequence of a fraudulent application for housing.

MEMBERS OF THE COUNCIL, STAFF MEMBERS AND THEIR RELATIONS

6.13 In order to ensure that the Council is seen to be treating all applicants fairly, any application for housing or rehousing from members of the Council, employees of the Council or associated persons must be disclosed. These applications will be

assessed in the normal way but any allocation of housing will require special approval by a Team Leader in the Housing Service.

EQUAL OPPORTUNITIES AND MONITORING

- 6.14 The Council is committed to the principle of equal opportunities in the delivery of all its services.
- 6.15 Applicants will be invited to indicate if they wish to make use of the Council's translation and interpretation services, or if they require other special services as a result of visual impairment, hearing difficulties or other disability.
- 6.16 Confidential interview facilities are provided at all housing offices. There is full access to the housing office at Barnet House for people who use a wheelchair. Home interview services are available for applicants who are elderly or who experience mobility difficulties.
- 6.17 The Council will seek to ensure that its allocation policies are being operated in a manner that is fair to all sections of the community regardless of nationality, ethnic origin, marital status, age, gender or disability. The information provided will be kept confidential and treated with respect. The council believes it is important to understand the different communities who apply for housing and it is only by asking these questions that we can check we are operating a fair system.
- 6.18 All applicants for housing or rehousing will be asked to provide details of ethnic origin, faith, sexuality and disability. This will not, however, be a requirement for acceptance of an application. Equalities records will be kept and monitored on a regular and systematic basis to ensure properties are being offered and allocated fairly.
- 6.19 Allocation policies and any changes to them will be reviewed regularly to ensure they do not operate in ways that discriminate against or disadvantage any particular group.

CONFIDENTIALITY

- 6.20 The Council will take disciplinary action against any employee who makes use of any information obtained in the course of their employment for personal gain or benefit, or who passes it to others who might use it in such a way. A report to the police will be made if it appears that a criminal offence has been committed.
- 6.21 The disclosure of information about any housing application to a third party is prohibited except on a "need to know" basis in the following circumstances:
- to plan and provide assistance jointly with health and social services agencies in appropriate cases.
 - for the purpose of fraud detection, the prevention of crime, and the promotion of community safety.
 - to enable efficient administration of offers of rehousing, lettings, housing association nominations, and rent and benefit accountancy etc.

- where disclosure is a legal requirement.

ACCESS TO PERSONAL DATA

6.22 The Data Protection Act 1998 (DPA) provides individuals with a right to request access to any of their personal data held by the Council, and a right to know where the data came from, how it is used and why it is held. Such a request is called a “subject access request” and applies to personal data in housing files.

6.23 Subject access requests should be made in writing to the Head of Housing and must describe the information sought. Applications must state their name and provide proof of their identity, such as a copy of a passport, driving license, or recent utility bill.

6.24 Any applications made by third parties on behalf an applicant (for example by a lawyer acting for a client) must be accompanied by written evidence of authority to act. If this is not possible by reason of disability then the Council should be contacted in order to make alternative arrangements.

6.25 The Council may charge a £10 fee to handle a subject access request. There is no charge for students, pensioners, staff, benefit claimants and those on Income Support.

6.26 Once the Council has received the information, documentation and fee (if charged) referred to above in paragraphs 6.23, 6.24 and 6.25, it must begin processing the request and respond within 40 calendar days. There is a limited range of exemptions from the right of subject access.

6.27 Housing files may contain information about other people (third parties), such as details of complaints made by other tenants, or comments made by housing staff. If the Council cannot respond to a request without giving information about other people, it is not obliged to include this information in its response unless they consent, or unless it thinks it is reasonable in all the circumstances to disclose this information without their consent.

6.28 Under the DPA applicants may also have the right to challenge the information held on them and may request the correction of records which they believe to be inaccurate. Such challenges should be made in writing and addressed to the Head of Housing.

ACCESS TO OTHER INFORMATION

6.29 Anyone has the right to request access to recorded information held by the Council, either under the Freedom of Information Act 2000 (FOIA) or, for environmental information, the Environmental Information Regulations 2004 (EIRs).

6.30 Requests under the FOIA must be made in writing, must include the applicant's name and a correspondence address and must specifically describe the

information requested. Requests under the EIRs must also comply with these regulations except that they can be made verbally. Please address requests under the FOIA or EIRs to the “FOI Officer” at the Council’s postal address or to foi@barnet.gov.uk.

6.31 Once a valid request has been reviewed the Council must usually respond within 20 working days.

6.32 Requests made by individuals for their own personal data will be treated as “subject access requests” under the DPA (see 6.22 to 6.28 above).

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ANNEX 1 – BARNET HOUSING BANDS

Band 1: Urgent Need to Move due to Reasonable Preference PLUS additional priority and a local connection⁸	
	Summary Guide of Criteria⁹
<p>Emergency medical or disability Reasonable preference category S.167(2)(d)</p>	<ul style="list-style-type: none"> • Where an applicant's condition is expected to be terminal within a period of twelve months and rehousing is required to provide a basis for the provision of suitable care. • The condition is life threatening and the applicant's existing accommodation is a major contributory factor. • The applicant's health is so severely affected by the accommodation that it is likely to become life threatening. • The applicant is unable to mobilise adequately in their accommodation and requires rehousing into accommodation suitable for their use. • The applicant's accommodation is directly contributing to the deterioration of the applicant's health such as severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation and the condition of the property cannot be resolved within a reasonable period of time – usually 6 months. • Where overcrowding in the property leaves the applicant at risk of life threatening infection.
<p>Exceptional Circumstances Welfare and Hardship Criteria Reasonable preference category S.167(2)(e)</p>	<ul style="list-style-type: none"> • Emergency need to move determined by the Council and authorised by the Assistant Director for Housing or equivalent.
<p>Exceptional need to move Reasonable preference category S.167(2)(e)</p>	<ul style="list-style-type: none"> • Applicants who need to move due to domestic abuse, extreme violence or extreme harassment. • Extreme violence or harassment will be verified by the Police and/or other agencies as necessary. This may include where a move is necessary to protect a witness to criminal acts. • Agreed in exceptional circumstances due to significant problems associated with the tenant's occupation of a dwelling in the social or private rented sector and there is a high risk to the tenant or their family's safety if they remain in the dwelling/area. For social housing tenants

⁸ As defined in paragraph 3.4 of this scheme

⁹ This summary guide of criteria does not represent an exhaustive list of all applicants entitled to reasonable preference

	<p>transfers will be to properties of the same size or smaller if they are under-occupying and type where required, but locations or areas are likely to change.</p> <p>Examples of exceptional circumstance cases are given in the policy at paragraph 3.9</p>
<p>Disability need to move on hardship grounds Reasonable preference category S.167(2)(d)</p>	<ul style="list-style-type: none"> This is any applicant who needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the Armed Forces
<p>Release of adapted property Reasonable preference category S.167(2)(e)</p>	<ul style="list-style-type: none"> Where a tenant is willing to transfer to a suitable non adapted property and is releasing an adapted house or designated older persons property.
<p>Statutory Overcrowded Reasonable preference category S.167(2)(c)</p>	<ul style="list-style-type: none"> Tenants who are statutorily overcrowded
<p>Acute Overcrowding Reasonable preference category S.167(2)(c)</p>	<ul style="list-style-type: none"> Where a household is 3 bedrooms short of the bedroom standard outlined in Annex 2.
<p>Private sector properties insanitary or unfit. Those living in insanitary conditions where the conditions pose an ongoing and serious threat to health; Reasonable preference category S.167(2)(c)</p>	<ul style="list-style-type: none"> Private sector tenants and residents of dwellings that the Council's Private Sector Housing Team has determined that the property poses a category 1 hazard under the Housing Health and Safety Rating System (e.g.: crowding and space, excessive cold or risk of falls) and the Council are satisfied that the problem cannot be resolved by the landlord within 6 months and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant's health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, <u>and</u> there is no prospect of the problems being remedied within a 6 month time period. A private sector property either owned or rented where a statutory notice has been issued by the environmental health department that an unfit property is to be demolished under the Housing Act 2004.
<p>Under-occupation Reasonable preference category S.167(2)(e)</p>	<ul style="list-style-type: none"> Where a secure Council tenant will release a home with two or more bedrooms by moving to a property with fewer bedrooms than they currently have. Housing association tenants who will release a home with two or more bedrooms are eligible if their landlord agrees that the vacated property can be used for a nomination by the council

Major works or demolition Reasonable preference category S.167(2)(c)	<ul style="list-style-type: none"> Where a council tenant has to move either temporarily or permanently whilst major works are undertaken or where their home is due to be demolished
Foster carers referred by the Council's Children's Service Reasonable preference category 167(2) (d) or (e)	<ul style="list-style-type: none"> Foster carers approved by the Council whose housing prevents them from being able to start, or continue, to provide foster care.

Band 2 Need to move – Reasonable Preference plus Community Contribution and a local connection¹⁰	
	Summary of Criteria
Homeless Households owed a full homeless duty under section 193(2) or 195(2). Reasonable Preference categories s167(2) (b)	<ul style="list-style-type: none"> People who are owed a duty under section 193 (2) Or 195 (2) of the 1996 Act (or under section 65 (2) or 68(2) of the Housing Act 1985) -- This means households who are homeless or threatened with homelessness and in priority need Note for cases owed a full homeless duty by any other Council they will receive a reduced preference for not having a local connection to Barnet Council (until they acquire a local connection with the borough).
Overcrowded by the Bedroom standard. Reasonable Preference category s167(2)(c)	Where a household is 2 bedrooms short of the bedroom standard outlined in Annex 2.
Applicants living in unsatisfactory housing lacking basic facilities. Reasonable Preference category s167(2)(c)	<p>Applicants without access at all to any of the following facilities. No access to:</p> <ul style="list-style-type: none"> a bathroom or kitchen an inside WC hot or cold water supplies, electricity, gas or adequate heating <p>Applicants who occupy a private property which is in disrepair or is unfit for occupation and is subject to a Prohibition Order and recovery of the premises is required in order to comply with the Order as defined by Section 33 of the Housing Act 2004.</p> <p>Applicants who only have access to shared facilities in shared accommodation will not qualify under these criteria.</p>
Medical grounds Reasonable Preference category	Where an applicant's housing is unsuitable for severe medical reasons or due to their disability, but who are not

¹⁰ As defined in paragraph 2.4 of this scheme

s167(2)(d)	housebound or whose life is not at risk due to their current housing, but whose housing conditions directly contribute to causing serious ill-health.
Hardship or welfare need to move for care or support Reasonable Preference category s167(2) (c) and (d)	Those who need to move to give or receive care that is substantial and ongoing. Those who need to access social services facilities, and are unable to travel across the Borough. Those who need to take up (or continue) employment, education or a training opportunity that is not available elsewhere <u>and</u> who do not live within reasonable commuting distance.
Housing need due to age Reasonable Preference category s167(2)(d)	Older or disabled applicants seeking Retirement or Extra Care or Sheltered Plus housing
Ready to move on from Council accredited supported care schemes Reasonable Preference category s167(2)(c)	An applicant is ready to move to independent settled housing on the recommendation of the support worker or equivalent. The applicant is in need of medium to long term rather than short term ongoing tenancy support. That support package has been assessed and is in place.
Move on from Care Reasonable Preference category s167(2)(c)	A care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living. They possess the life skills to manage a tenancy including managing a rent account. The care leaver is in need of either a long term or medium term tenancy support. That support package has been assessed and is in place.
Discretionary Succession	Where the Council has agreed to grant a tenancy under clause 3.26 of this policy.
Existing Foster carers approved by the Council willing to provide care for an additional child Reasonable preference category 167(2) (d) or (e)	Where a Foster carer already providing a home for at least one foster child offers to provide care for an additional foster child

Band 3 : Need to move – Reasonable Preference BUT no Community Contribution and a local connection¹¹

Summary of Criteria

Applicants in this Band will have the same element of housing need / Reasonable Preference as those applicants in Band 2 BUT will not have the Community Contribution or Working Household award as defined section 3 part 3 of the policy. Once a Community Contribution or Working Household award is given, the applicant will be moved into Band 2.

Band 4: Reduced Priority : Need to Move - Reasonable Preference but with Reduced Priority

Summary of Criteria

Applicants owed Reasonable Preference but who have been given reduced priority as they do not have a local connection but are owed, or are likely to be owed, the main homelessness duty under Housing Act 1996 Part VII) 193(2)

Customers in this band have reduced preference and are extremely unlikely to be offered social housing but may be helped to find a home in the private rented sector.

¹¹ As defined in paragraph 2.4 of this scheme

ANNEX 2

SIZES OF HOMES

- The number of bedrooms you need depends upon the size of your family.
- The chart shows the size of home that we consider you need.
- A single parent is counted as a couple and an unborn baby is counted as a child.
- Single people without children are usually offered studios.
- Two children of the opposite sex under ten will be expected to share a bedroom.
- Some retiring staff are contractually entitled to one bedroom more than they need.
- Council or Housing Association tenants trading down from properties with three or more bedrooms may choose a property with one bedroom more than they need
- Sometimes Housing Associations adopt different criteria for determining the number of bedrooms a household requires.

SIZE OF FAMILY	SIZE OF PROPERTY
Single person	Bedsit/single person home
A couple without children	1 bedroom
Two adults of the same sex and generation* for example, flat sharers, or two brothers	2 bedroom
A couple expecting a child or with a child, including an adult son or daughter.	2 bedrooms
A couple with two children of the same sex	2 bedrooms
Two adults of opposite sex who do not live as a couple, for example, brother and sister	2 bedrooms
A couple with two children of opposite sex and both under ten	2 bedrooms
A couple with two children of opposite sex one of whom is over ten	3 bedrooms
A couple with three children	3 bedrooms
A couple with four children (all of the same sex or two of each sex)	3 bedrooms
A couple with two children of the opposite sex under ten and one dependant relative (for example, widowed mother)	3 bedrooms
A couple with four children (three of one sex and one of the opposite sex)	3 or 4 bedrooms depending on the age of the children
A couple with more than four children	4 bedrooms
A couple with three children and one dependant relative	4 bedrooms
*less than 20 years apart but does not apply to parents/children	

ANNEX 3

COMMUNITY CONTRIBUTION: HOW PRIORITY IS AWARDED

Community Contribution

People who play a part in making their neighbourhood strong, stable and healthy – those who help make it a good place to live, work and play – are valuable people. They are the backbone of their community, and the Council believes such people should be allocated social housing to continue contributing to sustaining local communities in the area where they contribute.

The Community Contribution priority scheme is a Barnet Council policy which gives the main applicant or partner increased priority for housing when they have reasonable preference and qualify under the community contribution criteria described below. These applicants will be placed in Band 2 by virtue of this award.

Community Contribution Awards – How they work in practice

Applicants must have a *current positive residence history* to qualify for a Community contribution award.

1. No on-going culpable involvement in anti-social behaviour or criminal activities.
2. No breaches of tenancy within the last 3 years
3. No outstanding **lawfully recoverable** housing-related debt over £100.
4. Not have an outstanding unspent conviction

Increased priority for housing is given to those applicants who demonstrate a commitment to contribute to the Borough's economic growth as working households or who make a contribution by their contribution within communities. Applicants can access increased priority for housing in five ways;

1. Working Households

This policy aims to support the economic growth of Barnet.

We want to encourage people who can, to work and want to raise levels of aspiration and ambition. We will offer increased priority to applicants who are working but are on a low income and will therefore find difficulty in accessing outright Home Ownership or Low cost low Ownership. Applicants who have reasonable preference can receive increased priority to Band 2 by virtue of their "working" status.

Definition of Working Households

Households where at least one adult household member is in employment. For the purposes of this Allocations Policy employment is described as having a permanent contract, working as a temporary member of staff or being self-employed. Applicants will only qualify if the worker has been employed for **6** out of the last 12 months. Verification will be sought at point of application as well as point of offer under the same terms. Applicants must provide payslips, P60, bank statements or a verifying letter on headed paper in order to qualify.

2. Volunteering

Volunteers must have been volunteering for a continuous period of at least 6 months up to the point of application and the same at point of offer.

Volunteering must be for a not-for profit organisation that is registered with the Volunteer Centre Barnet or recognised by the Council, or a charity that is registered with the Charity Commission or is funded by the Council or another local authority. Tenants and Residents Associations which are constituted are classified as not-for-profit organisation. They must be registered with Barnet Council or a Registered Social Landlord to qualify.

Volunteering must be for a minimum of 10 hours per month.

Evidence required for voluntary work.

A letter on the organisation's headed paper from the manager responsible for volunteers confirming the applicant's involvement in a minimum of 10 hours per month of voluntary work for at least 6 months. This person must not be related to the applicant in any way.

3. Training or Education

We want to encourage people to move closer to gaining paid employment by gaining employability skills and becoming job ready. This may be achieved by attending higher or further education or by accessing a longer vocational course of study or engaging in a programme of work-related training courses. In all cases the course of study must lead to achieving accredited qualifications and / or certification by a registered awarding body.

Study or training may be undertaken at a range of recognised institutions and organisations such as: Further Education College; registered Private Training Provider; registered Voluntary Sector Organisation or University.

To be eligible for the vocational training award a person must initially access a recognised Information, Advice and Guidance (IAG) service, such as *Next Steps for Adults* or *Connexions* for young people up to age 19 years to develop an agreed employment action plan and to be signposted to relevant training providers. Candidates must be working towards gaining employment in a vocational occupation.

A person must have been studying or training against the eligible criteria and definition outlined, for a continuous period of at least 6 months up to the point of application and the same at point of offer. Applicants eligible for out-of-work related benefits must also be registered with Job Centre Plus and accessing mainstream job brokerage provision, thus actively seeking work (this may not apply to full time students dependent on the hours they are studying). This training must be in addition to, or supplementary to any mandatory training required and may be undertaken in conjunction with volunteering to gain further knowledge and experience.

Some people undertaking training are not actively seeking work. Where the Benefits Agency can confirm that the applicant is not required to actively seek work because of their circumstances, for example they have caring responsibilities, their training can be recognised in this policy.

All training must be a minimum of 10 hours a month.

Evidence required for Training element

Further/higher education candidates must supply evidence of:

- letter from college or university confirming participation in course of study for period of 6 months

For vocational training award the following evidence must be provided:

- an agreed employment action plan developed through a recognised IAG service plus verification of steps taken towards achievement of action plan targets
- certificate or letter from a registered awarding body for the course or by a recognised training provider as evidence of gaining a recognised vocational qualification or successfully completing accredited work-related training (over a continuous period of at least 6 months)

4. Ex service personnel

Applicants who have served in the British Armed Forces and lived in Barnet for at least 6 months immediately prior to enlisting, will qualify for a community contribution award automatically, with the exception of those who have been dishonourably discharged. This includes people who have served in the Royal Navy, Royal Air Force and British Army.

Service with the armed forces will be confirmed with the Royal British Legion.

5. Registered Foster Carers

We recognise the contribution that Barnet foster carers make towards ensuring that children in Barnet's care receive a good service. In order to qualify for a community contribution award under this policy, applicants will require a letter from the council's Children's Service confirming that they have been approved as a Barnet foster carer and that they are in a position to take one or more placements.

6. Carers

Applicants who undertake formal care of dependents and are in receipt of DLA higher rate or carers allowance or care element DLA will qualify for the community contribution award under this policy.

7. People with disabilities and older residents

Whilst many older people and those with disabilities work or volunteer, there may be circumstances in which frailty or a disability prevents this, or means that the full eligibility criteria set out above can not be met. Housing Officers will consider such cases on an individual basis and use their discretion to award a community contribution where they consider this is appropriate.

8. Young people

Generally young people (applicants aged 25 and under) will be required to meet the full community contribution criteria outlined above. However housing needs officers will have discretion with regard to the length of time a young person has been in employment. In addition where a young person is able to participate in volunteering and is not in employment or training the number of hours per month required is 20 hours,

Young people referred by Children's Services

In some circumstances a young person in supported housing may not have a full current positive residence history. Where the scheme manager is satisfied that the young person is no longer in breach of their tenancy agreement or licence and is complying with the conditions of the tenancy Housing Officers will consider such cases on an individual basis and use their discretion to award a community contribution where they consider this is appropriate.

Where a young person has been referred by Children's Services the following will qualify for community contribution award:

- Firm offer and proof of acceptance onto formal study or training as set out in paragraph 3 above
- In employment
- Volunteering for 20 hours per month. Volunteering defined in paragraph 2 above

Annex 4

SERVICE TENANCIES

Re-housing for former Service Tenants Length of Service	Eligibility	Entitlement
Less than 7 years	<ul style="list-style-type: none">• Retiring or transferring to non-residential employment• Was a council tenant before taking a service tenancy• Dependent children• Vulnerable because of ill health or disability	Bedrooms according to need (as defined in annex 2 of this Scheme)
More than 7 years	<ul style="list-style-type: none">• Any service tenant leaving employment or transferring to non-residential employment• Spouses/partners left on death or separation	Bedrooms according to need
More than 15 years	<ul style="list-style-type: none">• Retiring or transferring to non-residential employment	1 extra bedroom

APPENDIX 2 - summary of proposed changes

This table summarises the proposed changes to the housing allocations scheme and the reasons for them. The actual wording is shown in red on the full draft scheme.

Para/ page ref	Proposed change	Explanation
2.5	Rewording to make it clearer what the allocations scheme complies with including requirements of Localism Act, the London Housing Strategy and Barnet’s Housing Strategy	Sets out updated and clearer legal context
2.7	Scheme has taken into account participation in pan-London mobility scheme	Pan London mobility is a new scheme which is due to be launched in May 2012. Participation will be subject to Cabinet decision.
2.8	Tenancies to council housing subject to rules set out in council’s tenancy strategy	Provides linkage to the council’s tenancy strategy which is due to be considered by Cabinet in April 2012.
3.2	Define persons who the council may disregard as “restricted” and subject to immigration control	Makes restricted persons section much clearer
3.3	Certain “classes” of person will not be placed into a housing priority band including applicants: <ul style="list-style-type: none"> • with no local connection • overcrowded by only 1 bedroom • convicted of housing or welfare benefits fraud • who have refused 2 reasonable offers of accommodation • found to be intentionally homeless • in long term temporary accommodation • owing rent arrears unless an agreement to repay them has been made and kept • those with assets or income exceeding limits set in the council’s tenancy strategy • in breach of a tenancy condition 	Localism Act 2011 allows councils to specify classes of person who will not qualify for the scheme. This will enable the council to direct its resources to the people in the greatest housing need. This is important because of the limited availability of social housing.
3.5	Local connection in the scheme will normally mean that an applicant has lived in Barnet for at least 2 years of their own choice (i.e. not placed in temporary accommodation in Barnet by another local authority). This is a move away from the current scheme under which local connection is	Localism Act 2011 section 147 gives councils the flexibility to define local connection. This will ensure that the council is able to prioritise the limited supply of available social to people who have a clear local connection with the borough.

Para/ page ref	Proposed change	Explanation
	defined as having lived in the borough for 6 of the previous 12 months or 3 or the previous 5 years.	
3.12	Young people referred by Children's Service will be placed in band 2 or 3 depending on community contribution	This clarifies the way that community contribution will be applied to these cases.
3.26	Discretionary succession- proposal to link this to whether applicant would qualify in Bands 1, 2 or 3 under the allocations scheme. New tenancies to be flexible unless applicant would qualify for a lifetime tenancy under the tenancy strategy.	This provides a fair way of ensuring that council homes are allocated to those that are in housing need, and brings allocations scheme in line with the Tenancy Strategy
4.13	Authority to make direct offers changed to senior housing officer	This has been changed as a result of the changes to the structure of the housing department from April 2012
4.14,4.1 5 4.16	Details of pan-London mobility scheme and link to website	Will enable the council to participate in the pan London Mobility Scheme.
4.19	The council will not normally take into account an applicant's preference as between council, housing association or private rented housing (PRS) when offering properties from the property pool.	From April 2012 the Localism Act enables councils to discharge homelessness duty to people with priority need who are not intentionally homeless into the PRS
6.7	Income and savings to match tenancy strategy- draft tenancy proposes borough median earnings (£36,200) for households with children and borough median earnings less 15% for households without children (£30,770). The Capital/Savings limit will be reduced from £50,000 to £30,000.	These changes bring the allocations scheme into line with the draft tenancy strategy which is due to be considered by Cabinet in April 2012.
6.22, to 6.32	Charging for access to personal information and Freedom of Information	Access to personal data/FOI charges need to comply with the council's current Corporate Governance guidelines
Annex 1- page 25	Housing association tenants who under-occupy their property.	Makes it clear that where the council can nominate back to a property a housing association tenant under-occupying by 2 beds or more will be in the same band as council tenants in the same situation
Annex 1- page 28	Band 4 reasonable preference with reduced priority- people with no local connection but owed, or likely to be owed, the main homelessness duty under Housing Act 1995 Part VIII.	Under the existing scheme, Band 4 includes a large number of cases with low priority for re-housing that the council is unable to help. Many of these cases are in Band 4 because

Para/ page ref	Proposed change	Explanation
	Other reasonable preference categories with reduced priority will no longer be banded in line with 3.3 classes of people that do not qualify for the scheme.	they are intentionally homeless because of rent arrears or a breach of tenancy, have refused reasonable offers of accommodation or have incomes or assets higher than those stipulated in the allocation scheme. This change means that only people who are owed a homeless duty but have no local connection will be included in Band 4, who may be assisted to move into the private rented sector, but are unlikely to be offered social housing.
Annex 2- page 29	Sometimes housing associations adopt different criteria	This is to be clear that the size requirements in the scheme are specific to council homes and housing associations may not apply them in the same way
Annex 3- - page 30	Main applicant or partner can qualify for community contribution under this policy	Makes it clear that children or other household members can not qualify
Annex 3- - page 30	Working must be for 6 months rather than 9 months as in current allocations scheme	This brings working into line with volunteering
Annex 3- page 32	Some people are training but not actively seeking work because the Benefit Agency does not require it. They can still qualify for community contribution	People on ESA or Income Support with a young child or with children on High or Middle rate DLA are not required to find work but may be on training
Annex 3- page 32	Applicants who undertake formal care of dependents and in receipt of higher rate DLA can qualify for community contribution	Formal caring is considered to be a valid community contribution
Annex 3- page 33	Young people referred by children's services are now expected to have a community contribution to be placed into band 2 but the housing officer will have discretion regarding the length of time they have been in employment	Young people can be encouraged to develop their skills by, for example. working or volunteering and they may be on a training course

Appendix 3 Summary Equalities Assessment – proposed changes to the Housing Allocations Policy

1. Introduction

The housing allocations scheme has been operating since April 2011 and this assessment has considered the changes to the scheme following a 6 month review since its implementation and as a result of changes permissible through the Localism Act 2011.

This assessment of the new housing allocations policy has been carried out to ensure that the proposals do not disadvantage any households on the basis of ethnicity, faith, gender, disability, age or sexual orientation (groups with protected characteristics under the Equality Act 2010).

Overall the Council has ensured that due regard has been paid to the equalities implications of the new policy and the impacts on the various diverse sections of Barnet's communities and residents.

We have considered a range of data and information:

- operation of the current housing allocations scheme
- income and savings data
- the consultation process.

2. Background

The Council's approach is to try to determine the levels of risks to communities and to the Council, where policies will have a positive impact on some groups and where there is a risk of a potentially detrimental effect on others. Following an initial equalities risk assessment 3 of the proposed changes were identified that may present equalities risks and issues:

- Extending the types of applicants that will not qualify for assistance
- Introducing local connection criteria
- Income and capital thresholds

The EA has considered these risks in detail and sets out our findings and actions to mitigate any concerns identified. These are summarised below against a set of key equalities questions that the council uses when undertaking EA's.

1. Are there differential service outcomes for the different communities using our services?	2. Measures to re-dress these differences (mitigation / response)
<p>Current records¹ show that approximately 11% of customers currently banded or under investigation for housing will no longer qualify for assistance and further analysis² has shown that people from certain groups will not meet the qualification criteria:</p> <ul style="list-style-type: none"> - A higher proportion of Black households amongst those who would no longer qualify (12% compared to 6% of banded customers). - A higher proportion of people aged 19 – 24 years (24% compared to 14% of banded customers). A slightly higher proportion of disabled people (8.5% compared to 7.2% of banded customers). <p>Further analysis of applicants aged 19 – 24 years that would no longer qualify shows that the main ethnic group is White British requiring 2 bed accommodation and that they are largely female (83%).</p>	<p>The data analysis³ shows that there are no disproportionate differences in gender, bedroom size required (household size), or age (except for younger people, see below).</p> <p>Overall the actual number of households affected is small (see tables) and the improvements to the scheme will ensure that scarce housing resources are being made available to those in most housing need.</p>

¹ Source: Saffron Housing Management Information System

² See tables

³ Limited disability data and no sexual orientation data pending changes to Saffron

<p>The data shows that 12% of customers currently banded for housing or under investigation will no longer meet the local connection criteria.</p> <ul style="list-style-type: none"> - The greatest impact will be on households with 3 bed need⁴ (25% compared to 19% of those with over 2 years residence). - Impact on Asian applicants (19% compared to 14% of those with over 2 years residence). - Next highest impact is on the Black grouping at (26% compared to 23% of those with over 2 years residence). - There is a slight impact on the over 60s but greater impact on people aged between 30 and 50 yrs (59% compared to 48% of banded customers). 	<p>The data shows that there are no disproportionate differences by age, gender or disability.</p> <p>Overall the actual number of households affected is small (see tables) and the improvements to the scheme will ensure that scarce housing resources are being made available to those in most housing need.</p>
<p>For households with children, an income threshold has been set at the median earnings for Barnet which is currently £36,200. For households without children the threshold will be median earnings minus 15% which is currently £30,800.</p> <p>Earnings data is not held on the housing management system but income data from Barnet Homes residents' survey⁵ shows that between 2% and 4% of applicants may be outside the proposed thresholds.</p> <p>Data is not available on the number of applicants with savings over £20,000 however the number is likely to be low since 68% of Barnet Homes tenants are in receipt of housing benefit⁶. The DWP Family Resources Survey⁷ shows that older people are the most likely to have savings over this amount (25% of all households). However 28% of pensioner couples have less than £1,500 in savings. For single male and single female pensioners, the figure is 40%. Over a quarter (26%) of single female pensioners have no savings at all. For single male pensioners, it is 28% and for pensioner couples, it is 17%.</p>	<p>Record applicant income and savings data in order to monitor the impact of the income and capital savings thresholds.</p> <p>Overall the actual number of households likely to be affected is small (see tables) and the improvements to the scheme will ensure that scarce housing resources are being made available to those in most housing need.</p>
<p>A further risk is that information will not be held on non-qualifying cases in future and will not be available to review the data on such applicants.</p>	<p>Although data monitoring and regular reviews of the scheme will continue to be undertaken it will not be possible to directly monitor cases that do not meet the new eligibility or local connection criteria since their applications will not be accepted or recorded. This will be addressed by periodic sampling and through future housing needs surveys or strategic market assessments.</p>
<p>3. What will be the impact of delivery of any proposed new services or functions on satisfaction ratings amongst different groups of residents?</p>	
<p>People who meet the eligibility criteria and income thresholds will be considered through the assessment</p>	<p>Clear and open information will be made available on operation of the new process and</p>

⁴ 4 and 5 person households are also 3% higher than those with over 2 years residence in the borough

⁵ Status Survey 2008

⁶ Savings limit for Housing benefits is £16,000 (in most cases)

⁷ Department of Work & Pensions Family Resources Survey 09/10

<p>process and may have a higher priority for re-housing, for these residents satisfaction is likely to increase. More resources (staff time and potentially accommodation) will be provided.</p> <p>There is a risk that some groups will be less satisfied with the changes.</p>	<p>outcomes.</p>
<p>4. Does the proposal enhance Barnet's reputation as a good place to work and live?</p>	
<p>The review of the scheme and response to the Localism Act demonstrates to residents that the council is able to develop innovative and bold solutions in order to be more cost effective and to tackle inequality. However some groups of residents may feel disadvantaged by the changes and consequently have less trust in the new process.</p>	<p>The system gives an honest and open reflection of the reality of the housing situation in the borough and this has been supported through the consultation.</p>
<p>5. Will members of Barnet's diverse communities feel more confident about the council and the manner in which it conducts its business?</p>	
<p>The changes to the scheme show that the council is continuously reviewing and improving the allocations policy. It has anticipated the flexibilities permitted through the Localism Act to further refine the scheme and to ensure that scarce housing resources are prioritised for local residents and those with a strong local connection in the most housing need. There is a risk that the further changes to the scheme may be more difficult for people to understand how their individual applications have been assessed.</p>	<p>The changes will be publicised and explained to community groups, information should be made available through the voluntary sector.</p> <p>Housing needs officers will be required to explain how they reached their decisions to applicants and applicants will be entitled to have decisions reviewed by a senior member of staff who has had no previous involvement in their case.</p>
<p>6. How will the new proposals enable the council to promote good relations between different communities?</p>	
<p>The proposed changes to the allocations policy are intended to reflect local priorities and to improve efficiency of the scheme. They build on the long term process of explaining how and continue to tackle inaccurate impressions of how housing is allocated. It is important that residents understand the reasons for the changes and that care has been taken to ensure all groups are treated equally.</p>	<p>Publicity about the changes should be presented in a variety of formats and a variety of media including easy read.</p>
<p>7. How have residents with different needs been consulted on the anticipated impact of this proposal? How have any comments influenced the final proposal?</p>	
<p>Statutory consultation has been carried out with registered providers and has also been undertaken through the Housing Forum with other organisations including CommUnity Barnet:</p> <ul style="list-style-type: none"> • 6 week consultation via the Council's website • On line survey 	<p>Information about the proposed changes has been provided through the Housing Forum which includes community and interest groups.</p>

Appendix 4- summary of consultation responses

Subject	Comments	Barnet Council's response
Fair process safeguards	Applicant should have right to respond to a banding decision and senior officer with no prior involvement should review the decision, possibly with involvement of other non-housing professional, e.g.: social services	Applicants do have a formal right of a review and this is completed by a team leader or other senior officer with no previous involvement in the case. Other services are asked to contribute when required.
Removing families in breach of tenancy agreement from banding system	Troubled families in breach of a tenancy condition such as rent arrears may need a multi-agency approach to solve their problems and this is better than removing them from the banding system	Such applicants are currently placed into band 4 even though there is very little chance of them being offered housing because there is a limited supply of housing. The Council has discretion to waive such exclusions in exceptional circumstances. Each individual case will be considered on its merits.
Removing applicants from banding system due to rent arrears	It is recommended that this is modified so that applicants with rent arrears are only excluded if they have failed to keep to an affordable repayment agreement	The individual circumstances of and reasons for any rent arrears will be taken into account in assessing applicants for housing and the Council can use discretion in exceptional circumstances.
2 year local connection	How will this interact with other boroughs, for example, where an applicant has lived in Barnet for 2 years but the last 5 months have lived elsewhere?	In the pre April 2011 scheme the 2 year rule effectively applied with the issuing of additional Barnet residency points. There is discretion to waive this requirement in exceptional circumstances.
Community contribution	Concerns about ability of single parents looking after children being able to work/volunteer to be awarded community contribution. Also concerns about reduced volunteering opportunities due to voluntary sector cuts	We will continue to work with organisations such as Community Barnet to promote opportunities for people to volunteer, including for single parents who are looking after children. We have changed the training element to ensure that single parents who are not required to be actively seeking work but

Subject	Comments	Barnet Council's response
		may be undertaking other training are recognised in the policy.
Assets limits	Concerns that the assets limits are too low	These have been changed to replicate the assets limits in the new tenancy strategy but will be kept under review along with the income limits.
Discharging homelessness duty into the private rented sector	It is recommended that this needs to be complimented by a stronger tenancy relations function	We strongly agree with this and are reviewing our tenancy relations function. We also intend to only discharge duty to landlords who have been accredited and this is supported by the Mayor of London.
Recording of requests for assistance	Some people are turned away at the initial request for assistance stage before a full housing assessment is completed. Is this recorded?	We do not routinely record initial requests for assistance due to limited resources but we will regularly monitor the quality of these decisions by undertaking spot checks, Also the appeals process is open to all applicants, including those who have not progressed to a full assessment.
Overcrowding	Families have to be overcrowded by 2 or more bedrooms to be able to move, including existing council tenants, but this may be detrimental to health and wellbeing	We recognise that overcrowding by 1 bedroom can be problematical for a family and if there are other housing needs present we might be able to assist. Unfortunately, because of limited housing we cannot help families whose only housing need is overcrowding by 1 bedroom.
Young people being referred by Children's Services	Concerns about young people making community contribution and the use of fixed-term tenancies rather than lifetime tenancies	Although young people generally will be expected to make a full community contribution to be placed into band 2 we have recognised the particular circumstances of young people leaving care and being referred on by Children's Services. For these cases

Subject	Comments	Barnet Council's response
		different rules will apply, for example they should be in employment rather than having worked for six months and they should have an offer of training rather than having been in training for 6 months. There is also discretion on a positive residency history.
Fixed-term tenancies	Concerns about giving fixed-term tenancies to vulnerable people, including young people	The reasons for using fixed-term tenancies have been set out in detail in the tenancy strategy. Young people and other vulnerable single people will be offered support and assistance during the fixed term tenancy to ensure it is sustainable. Individual circumstances will be reviewed towards the end of a fixed-term and young people will be offered guidance and support.